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Dated: February 23, 2004

Signature:

(Rebecca L. McElroy)

Docket No.: 219002028310
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:

Babu J. MAVUNKEL, et al.

Application No.: 10/076,131

Filed: February 13, 2002

For: COMPOUNDS AND METHODS TO TREAT
CARDIAC FAILURE AND OTHER DISORDERS

Art Unit: 1625

Examiner: Celia C. Chang

EXPEDITED PROCEDURE --
EXAMINING GROUP 1625

VERIFIED STATEMENT OF KATE H. MURASHIGE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Kate H. Murashige, declare as follows:

1. I am attorney of record in above-referenced case.
2. The present application is a divisional of U.S. Serial No. 09/316,761 filed 21 May 1999 as noted in the Preliminary Amendment filed along with the application herein on 13 February 2002. As noted on the filing receipt, the '761 application is a continuation-in-part of Serial No. 09/275,176 filed 24 March 1999 which is a continuation-in-part of Serial No. 09/128,137 filed 3 August 1998. This parentage was also set forth in a Preliminary Amendment.
3. Despite the correct genealogy set forth in the Preliminary Amendment, instead of the specification of Serial No. 09/316,761 of which the present application is a divisional, the

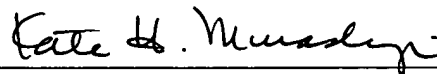
specification for the great grandparent application, 09/128,137 was filed. This is clearly an error in view of the Preliminary Amendment.

4. The Preliminary Amendment further states that the contents of Serial No. 09/316,761 are incorporated herein by reference.

5. Submitted with the Amendment filed 4 August 2003 was a true copy of the specification intended to be filed – *i.e.*, Serial No. 09/316,761. I hereby certify that the specification filed with the response of 4 August 2003 is a true copy of Serial No. 09/316,761.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at San Diego, California, on 23 February 2004.

A handwritten signature in cursive script, reading "Kate H. Murashige", written over a horizontal line.

Kate H. Murashige